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OFFICE OF PETITIONS

In re Application of :
Charles Ruelke et al :
Application No. 09/307,443 : **DECISION ON PETITION**
Filed: May, 10, 1999 :
Attorney Docket No. MOT03 P340 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 23, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed May 18, 2001, which set a shortened statutory period for reply of three (3) months. A three (3) month extension of time was obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on November 19, 2001. A Notice of Abandonment was mailed on March 27, 2002. A petition to revive this application was timely filed on May 24, 2002, and a decision dismissing the petition was not mailed until January 31, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of a request for continued examination, \$790 filing fee, and submission as required by 37 CFR 1.114, (2) the petition fee of \$1,500, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the final Office action of May 18, 2001 is accepted as being unintentionally delayed.

This application is being referred to Technology Center AU 2817 for processing the request for continued examination and for appropriate action in the normal course of business on the submission under 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.


Frances Hicks

Petitions Examiner
Office of Petitions